

1 BILL NO. Z-81-11-10 (AS AMENDED)

2 ZONING MAP ORDINANCE NO. Z-

14-82

3 AN ORDINANCE amending the City
4 of Fort Wayne Zoning Map No. R-38.

5
6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
7 FORT WAYNE, INDIANA:

8 SECTION 1. That the area described as follows is hereby
9 designated a B-1-B - Limited Business under the terms of Chapter 33,
10 The Code of the City of Fort Wayne, Indiana of 1974:

11 No. 1:

12 Commencing where the center road of St. Joseph Township
13 crosses the St. Joseph Road and running along that road
14 $13\frac{1}{2}$ rods; thence running Southeast 12 rods to the Township
Road; thence West along that road $13\frac{1}{2}$ rods to the place
of beginning, containing $\frac{1}{2}$ acre, more or less, and also

15 Beginning at a point on the South line of Section 17, in
16 Township 31 North, Range 13 East, said point being 13.5
17 rods East of the intersection of said Section line with
18 the centerline of the St. Joseph Road; thence East on
19 said Section line 21.25 feet; thence Northwesterly parallel
20 with the present East line of Church property 216 feet to
21 the centerline of the said St. Joseph Road; thence South-
22 westerly on the centerline of said road, 21.25 feet to the
North corner of present Church property; thence South-
easterly on the East line of present Church property
12 rods to the place of beginning, being a strip of
uniform width of 18 feet adjoining and lying immediately
East of the present church property, except from the fore-
going parcels that part thereof granted to the County of
Allen for highway purposes by deed recorded in Deed Record
594, pages 151-153.

23 No. 2:

24 A parcel of land situated in DE ROME RESERVE in Township
25 31 North, Range 13 East, Allen County, Indiana, being a
26 part of that part of the right-of-way lying Southeastward
27 of its centerline, of the St. Joe Road as presently
established; together with part of Block "E" GEORGE L.
ASHLEY HOMESTEAD as recorded in Plat Book 8, page 84, in
the office of the Recorder of said County, and in particular
described as follows, to-wit:

28 To arrive at the place of beinning, commence on the North-
29 easterly line of an 18-foot wide strip conveyed by Theodore
30 H. Ashley to St. Joe Methodist Church as recorded in Deed
Record 383, page 429, May 18, 1945 at a point situated 25.0
31 feet North of the centerline of the St. Joseph Center Road,
said road centerline being also the South line of Section 17,
32 Township 31 North, Range 13 East, thence West on a line
parallel to the centerline of said road, a distance of

1 Bill No. Z-81-11-10 (AS AMENDED)

2 Page two

3
4 105.1 feet; thence Northwesterly by a deflection right of
5 23 degrees 46 minutes along the right-of-way line of said
6 road as established by Indiana Project S 728(1)1961, a
7 distance of 70.8 feet to the Southeasterly right-of-way
8 line of the said St. Joe Road at the place of beginning
9 initially mentioned, as situated 20.0 feet Southeasterly
10 of the centerline of said road; thence Northeasterly
11 on the aforesaid right-of-way line by a deflection of
12 103 degrees 46 minutes to the right of the previous course,
13 a distance of 155.4 feet to the Northeast line of the
14 18-foot wide strip initially referred to; thence North-
15 westerly by a deflection left of 63 degrees 58 minutes
16 on the aforesaid line, a distance of 14.4 feet to a point
17 situated 40.0 feet normally distant Southeasterly from the
18 centerline of St. Joe Road as established by Indiana
19 Project S 728(1)1961; thence Southwesterly on a line
20 parallel to the aforesaid centerline by a deflection left
21 of 95 degrees 07 minutes, a distance of 57.3 feet to a
22 point of curve; thence continuing Southwesterly on a
23 28 degree 50 minute circular curve to the left, introrsely
24 concentric to the centerline curve of St. Joe Road as
25 established by Indiana project S 728(1)1961; a distance of
26 106.6 feet; thence southeasterly a distance of 44.0 feet to
27 the place of beginning; containing 0.135 acre, that lies
28 southeast of the centerline of the St. Joe Road as presently
29 established.

30 and the symbols of the City of Fort Wayne Zoning Map No. R-38, referred
31 to therein, established by Section 33-11 of said Chapter are hereby changed
32 accordingly.

33 SECTION 2. That this Ordinance shall be effective upon
34 passage, approval by the Mayor and legal publication thereof.

35 _____
36 COUNCILMAN

37 APPROVED AS TO FORM AND LEGALITY
38 THIS _____ DAY OF _____ 1982.

39 _____
40 BRUCE O. BOXBERGER, CITY ATTORNEY

1 BILL NO. Z-81-11-10

2 ZONING MAP ORDINANCE NO. Z-_____

3 AN ORDINANCE amending the City
4 of Fort Wayne Zoning Map No. R-38

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is
8 hereby designated a B-1-B - Limited Business under the terms of
9 Chapter 33, The Code of the City of Fort Wayne, Indiana of 1974:

10 A parcel of land containing 1/2 acre,
11 more or less, on the Northeast corner
of St. Joe and St. Joe Center Roads.

12 and the symbols of the City of Fort Wayne Zoning Map No. R-38,
13 referred to therein, established by Section 33-11 of said
14 Chapter are hereby changed accordingly.

15 SECTION 2. That this Ordinance shall be effective
16 upon passage, approval by the Mayor and legal publication
17 thereof.

18
19
20 APPROVED AS TO FORM AND
21 LEGALITY THIS 4th DAY
22 OF November 1981.

23 Bolt
24 BRUCE O. BOXBERGER, CITY ATTORNEY

25
26
27
28
29
30
31
32

COUNCILMAN

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, at _____ o'clock _____ M., E.S.T.

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by E. Stier, seconded by _____, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>6</u>	<u>0</u>	_____	<u>3</u>	_____
BRADBURY	_____	_____	_____	<u>X</u>	_____
BURNS	<u>X</u>	_____	_____	_____	_____
EISBART	<u>X</u>	_____	_____	_____	_____
GIAQUINTA	_____	_____	_____	<u>X</u>	_____
NUCKOLS	_____	_____	_____	<u>X</u>	_____
SCHMIDT	<u>X</u>	_____	_____	_____	_____
SCHOMBURG	<u>X</u>	_____	_____	_____	_____
STIER	<u>X</u>	_____	_____	_____	_____
TALARICO	<u>X</u>	_____	_____	_____	_____

DATE: 8-22-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) ~~(GENERAL)~~ (ANNEXATION) (SPECIAL)

(APPROPRIATION) ORDINANCE (RESOLUTION) NO. 3-14-82
on the 22nd day of June, 1982

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of June, 1982, at the hour of 11:30 o'clock PM M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 23rd day of June, 1982, at the hour of 3 o'clock P M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

Read the first time in full and on motion by Jim Zuck, seconded by _____, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 11-10-81

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 19____.

ATTEST: (SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of 19____, at the hour of _____ o'clock _____ M., E.S.T.

WINFIELD C. MOSES, JR.
MAYOR

BILL NO. Z-81-11-10

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No. R-38

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN A. EISBART - CHAIRMAN

JANET G. BRADBURY - VICE CHAIRMAN

PAUL M. BURNS

JOHN NUCKOLS

ROY J. SCHOMBURG

[Handwritten signatures: Ben A. Eisbart, Janet G. Bradbury, Paul M. Burns, John Nuckols, Roy J. Schomburg]

6-22-86

CONCURRED IN

DATE CHARLES W. WESTERMAN, CITY CLERK

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 7177

FT. WAYNE, IND., 10/26 1981

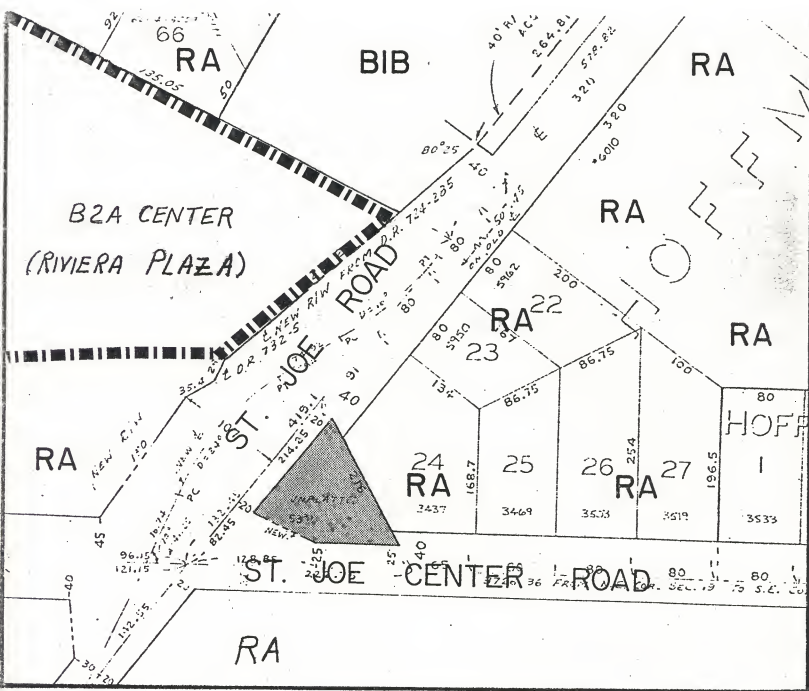
RECEIVED FROM Cities Service Co \$ 50.00

THE SUM OF Fifty and 00/100 DOLLARS

ON ACCOUNT OF Reopening

NE corner St Joe & St Joe City Hall

Kottler, Schoffo
AUTHORIZED SIGNATURE



 ZONING RECLASSIFICATION FROM AN RA TO A BIB DISTRICT.

Z-81-11-10

MAP NO. R-38

BY G. R. LAX 10-29-81

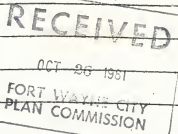


PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

✓ DATE FILED _____

✓ INTENDED USE _____



THIS IS TO BE FILED IN DUPLICATE

I/We CITIES SERVICE COMPANY

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an B1B District the property described as follows:

SEE ATTACHED

(Legal Description) If additional space is needed, use reverse side.

NE CORN ST JOE ROAD AND ST JOE CENTER ROAD. PART OF THE DEROME RESERVE,

ST JOSEPH TOWNSHIP, ALLEN COUNTY, STATE OF INDIANA

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

CITIES SERVICE COMPANY

BY L. N. JOHNSON Construction Supervisor

P. O. BOX 952

NAPERVILLE, ILL. 60566

1-312-355-6736

City Service Company
By L. N. Johnson

C. L. DECARB
(Name)

4824 KALEEN CT. E.W.
(Address)
485-8125

C. L. Decarb
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by CARL A. HOFER REG.#7122

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

L. N. JOHNSON
(Name)

P. O. BOX 952
(Address & Zip Code)
NAPERVILLE, ILL. 60566

1-312-355-6736
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

CITIES SERVICE COMPANY
BY L. N. JOHNSON - Construction
Supervisor

P. O. BOX 952
NAPERVILLE, ILL. 60566

Cities Service Company
By L. N. Johnson

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

engineering department

7th floor

April 5, 1982

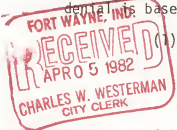
The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

(As amended)
3-81-11-10

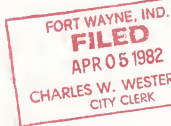
Re: Bill No. Z-81-11-10

Gentlemen and Mrs. Bradbury:

The Street Engineering Department respectfully requests the zoning reclassification of the northeast corner of St. Joe Road and St. Joe Center Road (Bill No. Z-81-11-10) be denied. Our request for denial is based on two very important issues:



(1) The legal owner of record of a 0.135 acre parcel of public right-of-way claimed to be abandoned by Cities Services is still in question. Note attached opinion from Paul C. Raver, Sr., Allen County Plan Commission Attorney.



- (2) Also, it is our contention that engineering plans of a proposed project located in a critical area should be routed through the various Engineering Departments to determine the feasibility of the development prior to, and not after, rezoning. If rezoned and then found undesirable for commercial development, the City would be required to purchase additional right-of-way at a commercial rate, adding thousands of dollars to our project for no apparent reason.

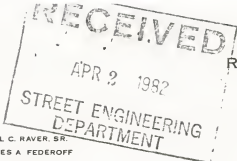
~~If I can be of any further assistance to the Council with respect to engineering data, please feel free to contact me at 423-7161.~~

Respectfully submitted,

David M. Anderson
David M. Anderson, P.E., L.S.
Chief Street Engineer

DMA/lj

CC: Carl O'Neal
Gary Baeten
Fred Koverman



PAUL C. RAVEN, SR.
JAMES A. FEDEROFF
DENVER C. JORDAN

RAVER & FEDEROFF
LAWYERS
520 SOUTH CALHOUN STREET
FORT WAYNE, INDIANA 46802
TELEPHONE (219) 424-1333

OLD MCCRAY REFRIGERATION BLDG.
KENDALLVILLE, INDIANA 46755
TELEPHONE (219) 347-2105

April 2, 1982

Jack G. Suter, Executive Director
Allen County Plan Commission
630 City-County Building
One Main Street
Fort Wayne, Indiana 46802

RE: Four Laning of St. Joe Road Re: St. Joe and St. Joe
Center Intersection

Dear Jack:

This letter will confirm our recent discussion involving you, me and Dave Anderson of the City Engineer's office at the request of the Allen County attorney, Tom Ruzzo. After viewing various documents and reviewing George Martin, Esq.'s opinion letter of March 24, 1982 directed to Gary Baeten, it is my belief that this matter should be studied, in depth, before any further action involving rezoning occurs. Any further action in the rezoning process could possibly interfere with a judicial declaration declaring title to be vested in the City of Fort Wayne and might adversely jeopardize Fort Wayne's claim to title which in turn would obviously mean that the City would have to purchase the property in question rather than being able to use the land the City in fact owns. The obvious adverse impact upon the County would be the jeopardizing of the joint road project which is the subject matter of our discussion. You will note we are sending copies of this letter to the persons and agencies listed below. I would hope that the various persons and agencies would convey a copy of this letter to the Common Council of the City of Fort Wayne. Thank you.

Very truly yours,

Paul C. Raver, Sr.

PCR/ksn

cc: ✓ Fort Wayne City Engineer's Office
ATTN: Mr. Dave Anderson
Fort Wayne City Plan Commission
Allen County Commissioners
Thomas E. Ruzzo, Esq., Allen County Attorney



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

5 April 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held March 22, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-81-11-10
2. From RA to B-1-B
3. Intended Use: Cities Service Gas Station
4. Plan Commission Recommendation: DO PASS with conditions.

This ordinance recieved a DO PASS recommendation for the following reason:


REASON: This rezoning will not have an adverse impact on the surrounding area.

- CONDITIONS:
1. The subject property is proven to be owned by Cities Service (with reference to right-of-way). (THIS CONDITION HAS BEEN SATISFIED AND CITIES SERVICE DOES OWN ALL OF THE PROPERTY IN THE REZONING REQUEST)
 2. Cities Service agrees to work with the City and County on acquisition of right-of-way of the widening of the intersection of St. Joe and St. Joe Center Roads at the same rate that would apply for residential. (A LETTER OF AGREEMENT HAS BEEN FORWARDED SATISFYING THIS CONDITION TO THE PLAN COMMISSION AND THE LETTER HAS BEEN APPROVED BY THE PLAN COMMISSION ATTORNEY.)

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING


Gary F. Baeten, Senior Planner

AN EQUAL OPPORTUNITY EMPLOYER

OFFICE OF **HOFFER AND DAVIS, INC.**A. K. HOFER P.E. No. 72
(1968) L.S. No. 10504CARL A. HOFER P.E. No. 7122
L.S. No. 10031CIVIL ENGINEERS & LAND SURVEYORS
FORT WAYNE, INDIANAWILLIAM S. DAVIS L.S. No. S-0053
L.S. No. 18114 Michigan414 Utility Building
Fort Wayne, Indiana 46802

422-9922

23 October 1981

Mr. Charles L. DeCarbo
Cities Service Oil Company
Cities Service Stations Corporation

The property at St. Joe and St. Joe Center Roads is described in Deed Record 608, pages 191-192, and in Deed Record 611, pages 413-414, as follows:

No. 1:

Commencing where the center road of St. Joseph Township crosses the St. Joseph Road and running along that road 13 rods; thence running Southeast 12 rods to the Township Road; thence West along that road 13 rods to the place of beginning, containing 1/2 acre, more or less, and also

Beginning at a point on the South line of Section 17, in Township 31 North, Range 13 East, said point being 13.5 rods East of the intersection of said Section line with the center line of the St. Joseph Road; thence East on said Section line 21.25 feet; thence Northwesterly parallel with the present East line of Church property 216 feet to the center line of the said St. Joseph Road; thence Southwesterly on the center line of said road, 21.25 feet to the North corner of present Church property; thence Southeasterly on the East line of present Church property 12 rods to the place of beginning, being a strip of uniform width of 18 feet adjoining and lying immediately East of the present church property, except from the foregoing parcels that part thereof granted to the County of Allen for highway purposes by deed recorded in Deed Record 594, pages 151-153.

No. 2:

NOT INDICATED

um

A parcel of land situated in DE ROME RESERVE in Township 31 North, Range 13 East, Allen County, Indiana, being a part of that part of the right-of-way lying Southeastward of its centerline, of the St. Joe Road as presently established; together with part of Block "E" GEORGE L. ASHLEY HOMESTEAD as recorded in Plat Book 8, page 84, in the office of the Recorder of said County, and in particular described as follows, to-wit:

To arrive at the place of beginning, commence on the Northeasterly line of an 18-foot wide strip conveyed by Theodore H. Ashley to St. Joe Methodist Church as recorded in Deed Record 383, page 429, May 18, 1945 at a point situated 25.0 feet North of the centerline of the St. Joseph Center Road, said road centerline being also the South line of Section 17, Township 31 North, Range 13 East, thence West on a line parallel to the centerline of said road, a distance of 105.1 feet; thence Northwesterly by a deflection right of 23 degrees 46 minutes along the right-of-way line of said road as established by Indiana Project S 728(1)1961, a distance of 70.8 feet to the Southeasterly right-of-way line of the said St. Joe Road at the place of beginning initially mentioned, as situated 20.0 feet Southeasterly of the centerline of said road; thence Northeasterly on the aforesaid right-of-way line by a deflection of 103 degrees 46 minutes to the right of the previous course, a distance of 155.4 feet to the Northeast line of the 18-foot wide strip initially referred to; thence Northwesterly by a deflection left of 63 degrees 58 minutes on the aforesaid line, a distance of 14.4 feet to a point situated 40.0 feet normally distant Southeasterly from the centerline of St. Joe Road as established by Indiana Project S 728(1)1961; thence Southwesterly on a line parallel to the aforesaid centerline by a deflection left of 95 degrees 07 minutes, a distance of 57.3 feet to a

Carl A. Hoffer
23 OCT 81

point of curve; thence continuing Southwesterly on a 28 degree 50 minute circular curve to the left, introrsely concentric to the centerline curve of St. Joe Road as established by Indiana Project S 728(1)1961; a distance of 106.6 feet; thence southeasterly a distance of 44.0 feet to the place of beginning; containing 0.135 acre, that lies southeast of the centerline of the St. Joe Road as presently established.

IN WITNESS WHEREOF, I place my hand and seal, this 23rd day of October 1981.

-----*Carl A. Hyer*-----



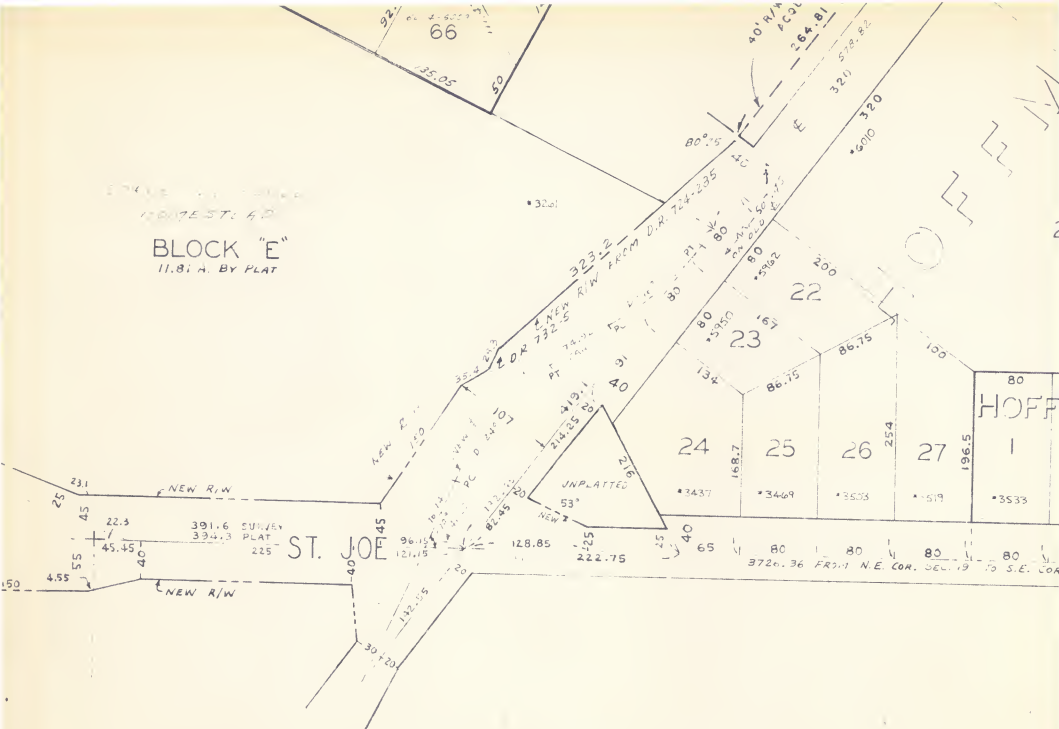
REFERENCE Survey MAP
1/4" = 30 FT 11 1/2" = 13"
for 0.135 ACRES
DATED 6 SEPT 1961

10075 ST. JOE

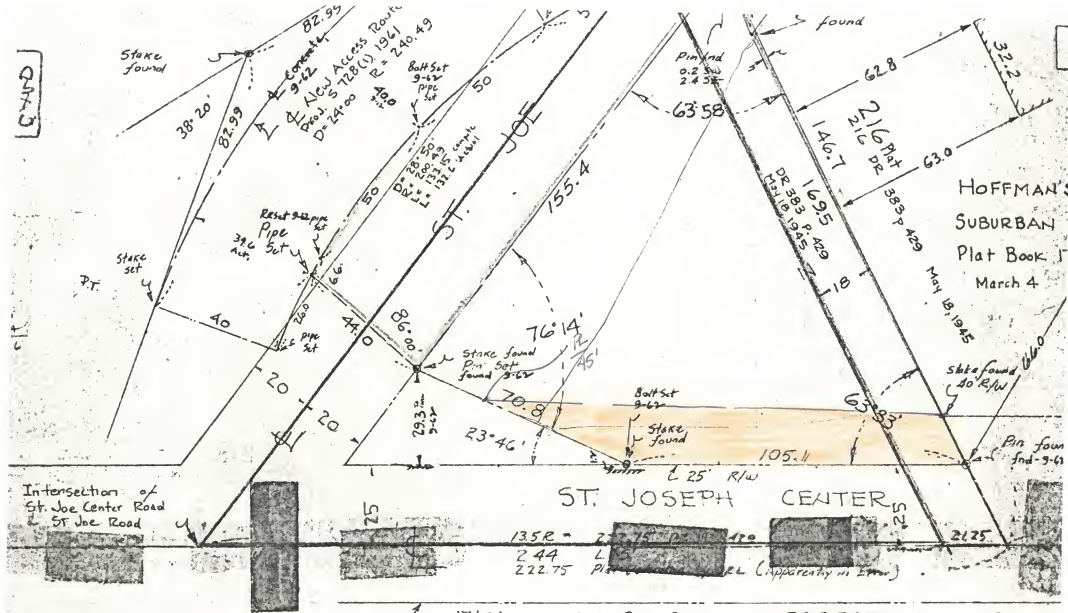
10075 ST. JOE

BLOCK "E"

11.81 A. BY PLAT



[G473]



HOFFMAN'S
SUBURBAN
Plat Book
March 4

Intersection of
St. Joe Center Road
St. Joe Road

ST. JOSEPH CENTER

ATTACH TO (3)
23 OCT 1981 PAH



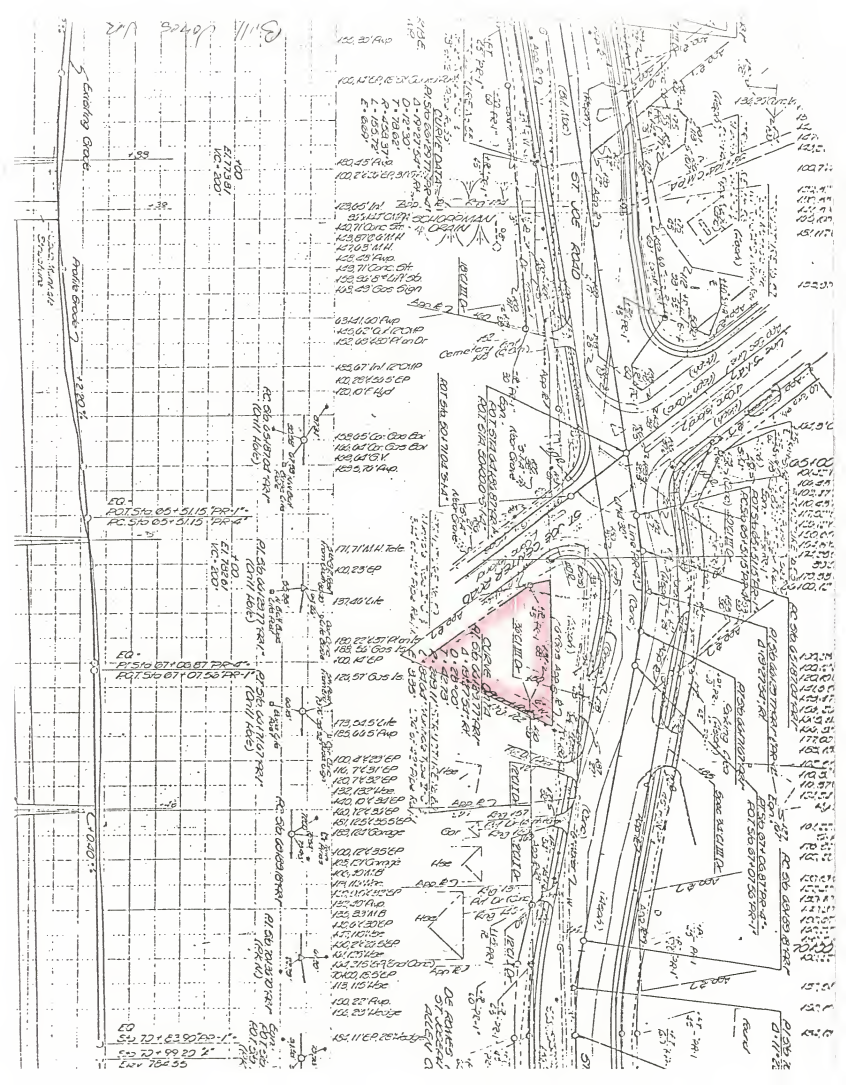
References

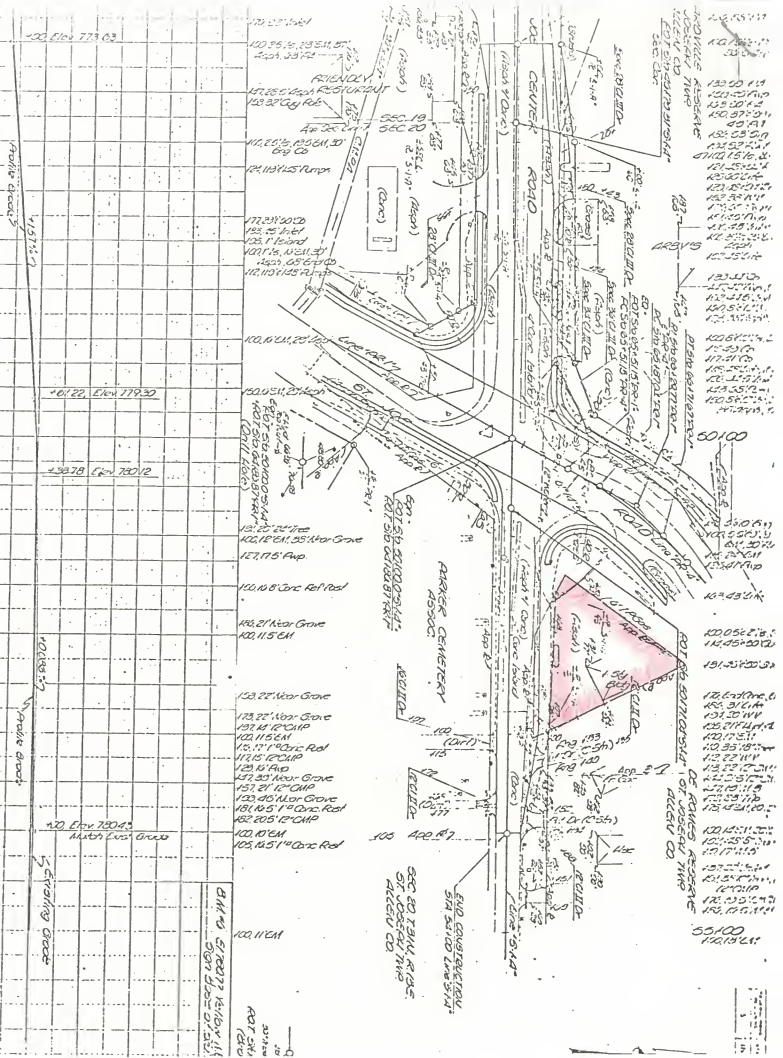
- (1) SURVEY by LEON J. SMITH No 2179
for CITIES SERVICE OIL CO.
8-24-57 0.5 Acre I
- (2) Plans for IND Proj No S 728 (1) 1961
Sheet 9 of 70 Bridge File Allen 9327
f Sheet 11 of 70 ZURBUCK Engineers Ft. Wayne 6/61

RECERTIFIED as CERTIFIED as
of 10 October 1962 6 September 19
Carl A. Hofer Carl A.

222.75
21.25
244.00

SURVEY of Part
RESERVE in St
Allen County,
for
CITIES SERVICE
Office of
A. K. Hofer
Fort Wayne Ind.







CITIES SERVICE COMPANY
PETROLEUM PRODUCTS GROUP

P. O. Box 15266
Fort Wayne, Indiana 46885
219-485-8125
March 26, 1982

City Plan Commission
City Council
City of Fort Wayne, Indiana 46802

SUBJECT: Rezoning to B-1-B Northeast Corner of St. Joe & St. Joe Center Roads

ATTENTION: Mr. Gary Baeten

In conjunction with the City Plan Commission's decision on March 22, 1982 to rezone the northeast corner of St. Joe & St. Joe Center Roads from RA to B-1-B please be advised of the following.

Cities Service Company will upon evidence from the City of Fort Wayne Engineering Department having an approved plan for the widening of the above intersection will at that time negotiate with the City of Fort Wayne for the necessary right-of-ways at the same rate that would apply for residential. This letter shall serve as Cities Service Company's satisfaction of the condition imposed upon it by the City Plan Commission at the above meeting. I have authority to act on behalf of Cities Service Company.

Very truly yours,


Charles L. DeCarbo
Market Manager

CLD/mld

cc: Robert Y. Keegan, Esquire
Shoaff, Parker & Keegan

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 10, 1981, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-81-11-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 16, 1981;

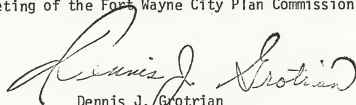
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend a by a motion by Robert Hutner, seconded by Darrell Blanton that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Facts":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 22, 1982.

Certified and signed this
5th day of April 1982.


Dennis J. Grotrian
Secretary

5476

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-81-11-10

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE A parcel of land containing $\frac{1}{2}$ acre, more or less, on
the Northeast corner of St. Joe and St. Joe Center Roads.

EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential. Property
will become B-1-B - Limited Business.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____



The City of Fort Wayne

OFFICE OF THE CITY CLERK

Charles W. Westerman, Clerk -- Room 122

June 24, 1982

Ms. Judy High
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. High:

Please give the attached full coverage on the dates of June 30, 1982 and July 8, 1982, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Bill No. G-82-05-15 (as amended)
General Ordinance No. G-12-82

Bill No. G-82-05-14 (as amended)
General Ordinance No. G-11-82

Bill No. G-82-02-17 (as amended)
General Ordinance No. G-10-82

Bill No. Z-81-11-10 (as amended)
Zoning Map Ordinance No. Z-14-82

Please send us 16 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
Charles W. Weesterman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 22nd day of June, 1982, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-82-05-15 (as amended) -- General Ordinance No. G-12-82 -- AN ORDINANCE amending Chapter 33 of the Code of the City of Fort Wayne

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Notice is hereby given that on the 22nd day of June, 1982, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-82-02-17 (as amended) -- General Ordinance No. G-10-82 -- AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a north/south alley south Jefferson Blvd.

Notice is hereby given that on the 22nd day of June, 1982, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-81-11-10 (as amended) -- Zoning Map Ordinance No. Z-14-82 -- AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-38

I, Charles W. Westerman, Clerk, of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-82-05-15 (as amended) -- General Ordinance No. G-12-82; Bill No. G-82-05-14 (as amended) -- General Ordinance No. G-11-82; Bill No. G-82-02-17 (as amended) -- General Ordinance No. G-10-82 and Bill No. Z-81-11-10 (as amended) -- Zoning Map Ordinance No. Z-14-82 were passed by the Common Council on the 22nd day of June, 1982, said Ordinances were signed and approved by the Mayor on the 23rd day of June, 1982, and remain on file and on record in my office.

Copies of Bill No. G-82-05-15 (as amended) -- General Ordinance No. G-12-82; Bill No. G-82-05-14 (as amended) -- General Ordinance No. G-11-82; Bill No. G-82-02-17 (as amended) -- General Ordinance No. G-10-82 and Bill No. Z-81-11-10 (as amended) Zoning Map Ordinance No. Z-14-82 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) The main floor of the City-County Building
- (2) the bulletin board in the lobby of Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. G-82-05-15 (as amended) -- General Ordinance G-12-82; Bill No. G-82-05-14 (as amended) -- General Ordinance No. G-11-82; Bill No. G-82-02-17 (as amended) -- General Ordinance No. G-10-82 and Bill No. Z-81-11-10 (as amended) -- Zoning Map Ordinance No. Z-14-82 will be available for reading in the following places in Fort Wayne, Allen County, Indiana.

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Charles W. Westerman
Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on June 30, 1982.

Charles W. Westerman
Charles W. Westerman
City Clerk

(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen

County, Ind

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

1

Body number of lines

105

Tail number of lines

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Total number of lines in notice

108

COMPUTATION OF CHARGES

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Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on June 30, 1982.

Charles W. Westerman
City Clerk
8-30/7-8

1 columns wide equals 108 equivalent lines at .300¢ \$ 32.40

ices containing rule or tabular work (50 per cent of above amount)

f publication (50 cents for each proof in excess of two)

14 extra 7.00

INT OF CLAIM.

\$ 39.40

DATA

9.6 picas

Size of type: 6 point

2

Size of quad upon which type is cast .6

Pursuant

of Ch. 89., Acts 1967.

I hereby has been

nt is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

D. ROOSE

Date

Title..... CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned..... D. ROOSE..... who, being duly sworn, says that she is..... CLERK..... of the

NEWS-SENTINEL

a..... DAILY..... newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 6/30 - 7/6/82

Subscribed and sworn to before me this 8th day of July 1982

November 29, 1985

My commission expires

To NEWS-SENTINEL Dr.

(Governmental Unit)

Allen

County, Ind

FORT WAYNE, INDIANA

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COMPUTATION OF CHARGES

108 lines, 1 columns wide equals 108 equivalent lines at .300¢ \$ 32.40
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Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 14 extra 7.00

TOTAL AMOUNT OF CLAIM.

\$ 39.40

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

D. Roose

Date July 8, 1982

Title CLERK

Form 903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned D. ROOSE who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL
a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 6/30 - 7/8/82

Subscribed and sworn to before me this

8th

day of

July

19

November 29, 1985

My commission expires

D. Roose
Anne M. Perkins
Notary Public

Fort Wayne Common Council

(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

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Date July 8, 19 82

Form 904

State of IN
ALLEN
Personal
under sig
that she

ATTACH
ADVERTISEMENT

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Charles W. Westerman
City Clerk

Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on June 30, 1982.
Charles W. Westerman
City Clerk
G-30/7-8

mission expires November 29, 1985

Amelia De Veld

Title CLERK

notary public in and for said county and state, the
DEWALD who, being duly sworn, says
ERK of the

newspaper of general circulation printed and published
FORT WAYNE, INDIANA

that the printed matter attached hereto is a true copy,
two times the dates of publication being

5th day of July 19 82
Amelia De Veld
Charles W. Westerman
Notary Public

Fort Wayne Common Council

(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Arvilla DeWald*Date July 8 19 82Title CLERK

Form 904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

6/30 - 7/8/82

Subscribed and sworn to before me this

8th

day of July 19 82*Arvilla DeWald*
Charles M. Perkins

Notary Public

My commission expires November 29, 1985

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81-11-10 (as amended) - General Ordinance No. Z-17, Charles W. of the City of do hereby certify that the same are duly published in accordance with the provisions of the Code of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-82-05-15 (as amended) - General Ordinance No. G-12-82 - AN ORDINANCE amending Chapter 33 of the Code of the City of Fort Wayne.

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ATTEST
Notary Public